

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

INTERNATIONAL DAIRY FOODS  
ASSOCIATION,

Case No. 2:08-CV-628 &  
Case No. 2:08-CV-629

and

JUDGE GRAHAM

ORGANIC TRADE ASSOCIATION,

Plaintiffs,

v.

ROBERT J. BOGGS, Director,  
Ohio Department of  
Agriculture,

Defendant.

**ORDER TO CONSOLIDATE AND DEFER ENFORCEMENT**

Plaintiffs International Dairy Foods Association and Organic Trade Association, and Defendant Robert J. Boggs, Director of the Ohio Department of Agriculture, have agreed to consolidate Case Nos. 2:08-CV-628 and 2:08-CV-629 respectively, and that Defendant shall not enforce Ohio Administrative Code 901:11-8-01 (Dairy labeling rule) until after final judgment on the merits of the consolidated cases by the Trial Court. Defendant acknowledges that at the status conference on July 11, 2008, Plaintiffs sought a compliance deadline 180 days following the Court's final judgment, and Plaintiffs acknowledge that the Court determined that the

appropriate deadline for compliance would be 90 days following entry of judgment.

NOW, THEREFORE, it is hereby ORDERED as follows:

- 1.) Case Numbers. 2:08-CV-628 and 2:08-CV-629 are hereby consolidated; and
- 2.) Defendant Robert J. Boggs, Director of the Ohio Department of Agriculture, shall not enforce Ohio Administrative Code 901:11-8-01 (Dairy labeling rule) until ninety (90) days after final judgment on the merits of the consolidated cases by the Trial Court. Nothing in this Order shall prohibit any party from requesting an extension of the 90-day deferral period from either the Trial Court or the Sixth Circuit Court of Appeals following final judgment on the merits of the consolidated cases by the Trial Court.

SO ORDERED.

s/ James L. Graham  
JAMES L. GRAHAM  
United States District Judge

Date: August 4, 2008

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